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EXAMINER	
LARSON, JUSTIN MATTHEW	

ART UNIT	PAPER NUMBER
3727	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	**Application No.** 10/685,759	**Applicant(s)** BILLBERG, RUSTY	
	Examiner Justin M. Larson	**Art Unit** 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2003*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-34* is/are rejected.
7)☒ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *15 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/26/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the guide locks must be shown as being loops, as recited in claims 5 and 27, or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

3. Claims 6, 7, 9, 12-14, 17, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 and 12-14 each recite the limitation "the sliding direction" in line 2. There is insufficient antecedent basis for this limitation in these claims.

Claims 6, 7, 17 and 28 each recite the limitation “the first cargo lock” in line 1. There is insufficient antecedent basis for this limitation in these claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 8, 9-15, 18, 20, 22, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Neill (US 5,535,929).

Regarding claims 1 and 15, Neill discloses a system for removably fastening a cargo module to a vehicle, comprising: an elongate guide (14) carried by the vehicle for mounting the cargo module (11), the guide having two opposing elongate walls defining an inside of the guide there between, a guide lock (31) located inside of the guide, the guide having at least one hole for receiving a retaining member (34), the cargo module having a cargo lock (13/20) configured to slide inside the guide along the walls until the cargo lock engages the guide lock, the hole being located such that when the guide lock is engaged with the cargo lock, insertion of the retaining member through the hole prevents the cargo lock from disengaging from the guide lock thereby securing the cargo module to the vehicle.

Please note that no structure has been set forth in the claims to define any structure of Applicant's cargo lock and guide lock. Because Applicant's cargo lock and guide lock work together to effectively stop the cargo module from sliding, Examiner is considering the wheel member (13/20) and the stop member (31) to be equivalent to the claimed cargo lock and guide lock, respectively, since these members also work together to effectively stop the cargo module from sliding.

Regarding claim 2, the guide (14) of Neill has a bottom, effectively satisfying the limitations of the claim.

Regarding claim 3, the guide lock (31) of Neill is supported on, and thus is located on, the bottom of the guide, effectively satisfying the limitations of the claim.

Regarding claims 8 and 19, Examiner considers the retaining member (34) of Neill to in fact be a lock since it holds, or locks, the cargo module in place in the guide, effectively satisfying the limitations of the claims.

Regarding claims 9 and 20, the engagement of the cargo lock (13/20) and the guide lock (31) of Neill prevents the cargo module from sliding to the left, as shown in Figure 4, effectively satisfying the limitations of the claims.

Regarding claims 10-12, when the cargo lock and the guide lock come into contact, the guide lock restricts movement of the cargo module relative to the vehicle in the sliding direction, and also prevents the cargo module from being removed from the guide in the sliding direction, effectively satisfying the limitations of the claims.

Regarding claim 13, the cargo lock (13/20) and the sidewalls of the guide cooperate to restrict movement of the cargo module in a direction transverse to the sliding direction, effectively satisfying the limitations of the claim. Note that the a portion (20) of the cargo lock cannot be pulled upward and out of the channel as the top side walls of the channel restrict such movement.

Regarding claims 14 and 22, the retaining member (34) of Neill prevents the cargo module from sliding to the right, effectively satisfying the limitations of the claims.

Regarding claim 18, the retaining member of Neill is in fact a pin, effectively satisfying the limitations of the claim.

Regarding method claim 33, the operation of the Neill device entails all of the recited method steps, effectively satisfying the limitations of the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 23, 24, 25, 29-32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neill as applied in paragraph 5 above in view of Litz (US 4,266,703). Neill as applied in paragraph 5 above discloses the claimed invention except for the slidable cargo module system being mounted to a vehicle comprising a chassis carrying

a straddle type seat, at least one front wheel, at least one rear wheel, a steering member for steering the vehicle, and an engine supported by the chassis, wherein the engine is operably coupled to at least one of the wheels.

Litz, however, discloses a sliding cargo module system similar to that of Neill where a series of guides are attached to a motorcycle and a cargo module is attached to the guides and then locked in place. While Litz fails to mention the specifics of the motorcycle itself, Official Notice is taken to the fact that it is old and well known in the art for motorcycles to comprise a chassis carrying a straddle type seat, at least one front wheel, at least one rear wheel, a steering member for steering the vehicle, and an engine supported by the chassis, wherein the engine is operably coupled to the at least one of the wheels.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the sliding cargo module carrying system of Neill on the back of a motorcycle, as taught by Litz, in order to allow a motorcyclist to easily mount a cargo module containing their travel supplies or luggage to their motorcycle.

8. To the degree it can be argued that Neill as applied in paragraph 5 above does not disclose a cargo lock and guide lock having Applicant's intended structure, the following rejections are set forth:

9. Claims 1-12, 14-22, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neill in view of Price, Jr. et al. (US 5,193,696).

Regarding claims 1 and 15, Neill discloses a system for removably fastening a cargo module to a vehicle, comprising: an elongate guide (14) carried by the vehicle for mounting the cargo module (11), the guide having two opposing elongate walls defining an inside of the guide there between, the guide having at least one hole for receiving a retaining member (34), the hole being located such that the cargo module cannot slide out of its stored position.

Neill fails to disclose a guide lock located inside of the guide and the cargo module having a cargo lock configured to slide inside the guide along the walls until the cargo lock engages the guide lock.

Price, Jr. et al., however, like Neill, also discloses a carrying system where a cargo module is slid into position along a guide. Price, Jr. et al. teaches that it is not desirable for such a cargo container to come to an abrupt stop while sliding inside of the guide as this might disrupt or damage the contents of the cargo module. In order to prevent this, Price, Jr. et al. teaches that a guide lock (96) is located inside of the guide such that when the cargo module approaches it proper location, a cargo lock (80) extending downward from the cargo module engages the guide lock and brings the cargo module to a gradual stop and prevents further movement in the initial sliding direction. Currently, the device of Neill does not have a mechanism that slows the cargo module as it reaches its storage position. The cargo module is pushed onto the top of the car by a user and only stops when it bumps into stopping member (31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Neill by including a cargo lock on the bottom of the cargo module and a guide lock in the guide, as taught by Price, Jr. et al., so that when a user pushed the cargo module into the guide, the cargo module would come to a gradual stop once the cargo lock engaged the guide lock, reducing or eliminating any disruption or damage to the contents of the cargo module.

Regarding claim 2, the guide (14) of Neill has a bottom, effectively satisfying the limitations of the claim.

Regarding claim 3, the guide lock of the modified Neill device is supported on, and thus is located on, the bottom of the guide, effectively satisfying the limitations of the claim.

Regarding claims 4 and 16, Applicant's guide lock (120), as a tab, is a piece of material structured to catch the cargo lock. Because the guide lock of the modified Neill device is also structured to catch the cargo lock, Examiner considers this guide lock to also be a tab, effectively satisfying the limitations of the claim.

Regarding claim 5, Applicant's guide lock, as a loop, is assumed to resemble the cargo lock (124) as shown in Figure 7 of Applicant's drawings. Because the guide lock of the modified Neill device also has two sides and a top and forms a loop shape with respect to the bottom of the guide, Examiner considers the limitations of the claim to effectively be satisfied.

Regarding claim 6, Applicant's cargo lock (224), as a tab, is a piece of material protruding vertically downward from the bottom of the cargo module which has a horizontally extending bottom portion which engages the guide lock. Because the cargo lock of the modified Neill device also protrudes vertically downward from the bottom of the cargo module and has a horizontally extending bottom portion which engages the guide lock (see esp. Figure 8), Examiner considers this cargo lock to also be a tab, effectively satisfying the limitations of the claim.

Regarding claims 7 and 17, Neill in view of Price, Jr. et al. disclose the claimed invention except for the cargo lock being a loop. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the functional structure of Price, Jr. et al., i.e. reverse the locations of the cargo lock and guide lock as disclosed by Price, Jr. et al. so that the cargo lock structure (80) of the modified Neill device was fixed to the guide channel and the guide lock (96) was fixed to the bottom of the cargo module, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167. The resulting cargo lock would now have a loop structure, effectively satisfying the limitations of the claim.

Regarding claims 8 and 19, Examiner considers the retaining member (34) of the modified Neill device to in fact be a lock since it holds, or locks, the cargo module in place in the guide, effectively satisfying the limitations of the claims.

Regarding claims 9 and 20, the engagement of the cargo lock and the guide lock of the modified Neill device would prevent the cargo module from sliding to the left, as shown in Figure 4, effectively satisfying the limitations of the claims.

Regarding claims 10-12, when the cargo lock and the guide lock come into contact, the guide lock restricts movement of the cargo module relative to the vehicle in the sliding direction, and also prevents the cargo module from being removed from the guide in the sliding direction, effectively satisfying the limitations of the claims.

Regarding claims 14 and 22, the retaining member (34) of the modified Neill device prevents the cargo module from sliding to the right, effectively satisfying the limitations of the claims.

Regarding claim 18, the retaining member of the modified Neill device is in fact a pin, effectively satisfying the limitations of the claim.

Regarding claim 21, when the cargo lock of the modified Neill device engages the guide lock, the engagement prevent the cargo module from vertical movement, thus restricting removal of the cargo lock from the guide.

Regarding method claim 33, the operation of the modified Neill device entails all of the recited method steps, effectively satisfying the limitations of the claim.

10. Claims 23-32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neill in view of Price, Jr. et al. as applied in paragraph 9 above in view of Litz (US 4,266,703). Neill in view of Price, Jr. et al. as applied in paragraph 9 above discloses the claimed invention except for the slidable cargo module system being mounted to a vehicle comprising a chassis carrying a straddle type seat, at least one front wheel, at least one rear wheel, a steering member for steering the vehicle, and an engine supported by the chassis, wherein the engine is operably coupled to at least one of the wheels.

Litz, however, discloses a sliding cargo module system similar to that of Neill where a series of guides are attached to a motorcycle and a cargo module is attached to the guides and then locked in place. While Litz fails to mention the specifics of the motorcycle itself, Official Notice is taken to the fact that it is old and well known in the art for motorcycles to comprise a chassis carrying a straddle type seat, at least one front wheel, at least one rear wheel, a steering member for steering the vehicle, and an engine supported by the chassis, wherein the engine is operably coupled to the at least one of the wheels.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the sliding cargo module carrying system of Neill on the back of a motorcycle, as taught by Litz, in order to allow a motorcyclist to easily mount a cargo module containing their travel supplies or luggage to their motorcycle.

Regarding claim 28, Neill in view of Price, Jr. et al., and further in view of Litz discloses the claimed invention except for the cargo lock being a loop. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the functional structure of Price, Jr. et al., i.e. reverse the locations of the cargo lock and guide lock as disclosed by Price, Jr. et al. so that the cargo lock structure (80) of the modified Neill device was fixed to the guide channel and the guide lock (96) was fixed to the bottom of the cargo module, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167. The resulting cargo lock would now have a loop structure, effectively satisfying the limitations of the claim.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Friday, 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER

JML
2/1/06